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EXAMINER				
SAINT CYR, JEAN D				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/825,699

**Applicant(s)**

MANSON ET AL.

**Examiner**

JEAN D. SAINT CYR

**Art Unit**

2425

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 5-17, 20-29, 32-34 and 37-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-17, 20-29, 32-34 and 37-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**Response to Amendment**

This action is in response to applicant's amendment filed on 07/02/2009. Claims 1-2, 5-17,20-29,32-34, 37-46. **This action is made FINAL.**

**Response to arguments**

Applicant's arguments with respect to claim 1-2, 5-17,20-29,32-34, 37-46 have been considered but they were not persuasive. Applicant amends the claims and argues that the cited references did not disclose causing an interactive icon having the at least one attribute identified by the trigger attribute data to be displayed intermittently, until receiving user input selecting the interactive icon, for a plurality of time periods via a display device, wherein each of the plurality of display time periods is separated by a sleep time duration during which display of the interactive icon is suspended.

However, Shoff et al disclose The viewer computing unit also depicts a small icon or other indicia to alert the viewer that the program is interactive, col.3, lines 21-23; the icon can be displayed throughout the program or faded out after a set time period, col.9, lines 45-46; image TRANSITION Defines screen change TYPE -type of transition interim, fade to black,col.14, lines 23-24. That means the icon is displayed during a set period of period of time that could be two times, three times and so on and that icon could fade out during that set of period of time.

And Blacketter et al disclose after a predetermined time period, such as fifteen seconds, any displayed indicators are removed from the display device . Removing any indicators after a particular time period avoids creating a distraction to a viewer that is not interested in activating an interactive mode or an online mode,0039; that means the icon is displayed during a period of time in order to receive input from the user and after the elapsed time the icon is removed from the screen. This information proves that the icon can be displayed for a period of time and fade out for a while and when no input was received from the user, that icon is removed from the screen according to its life time associated with the trigger. As a result, this action is made final.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5-17, 20-29, 32-34, 37-38, 40-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al in view of Blacketter et al, US No. 20050240982.

Re claim 1, Shoff et al disclose receiving from a remote location trigger attribute data identifying at least one display attribute of an interactive icon, wherein the trigger attribute data is comprises of a portion that complies with an ATVEF ,Advanced Television Enhancement Forum, standard and a portion that is not defined by an ATVEF standard, wherein the portion that is not defined by the ATVEF standard includes at least a sleep time duration indicator(receiving video stream from headend, col.8, line 9; see table 2, trigger reference; see fig.6, element 62, display icon indicating interactive; the viewer computing unit also depicts a small icon or order indicia to alert the viewer the program is interactive, col.3, lines 21-23; the following is a simple example of a start tag for an HTML hyperlink <HREF="http://www.microsoft.com/upgrade">, col.13, lines 1-4; the icon can be displayed throughout the program or faded out after a set time period, col.9, lines 45-46; fade out means sleep mode);

responsive to receiving the trigger attribute data, causing an interactive icon having the at least one attribute identified by the trigger attribute data to be displayed intermittently(The viewer computing unit also depicts a small icon or other indicia to alert the viewer that the program is interactive, col.3, lines 21-23; the icon can be displayed throughout the program or faded out after a set time period, col.9, lines 45-46):

receiving user input selecting the interactive icon (If the viewer decides to enter into an interactive mode, the viewer employs a remote control handset, mouse, keyboard, or other mechanism to actuate the icon 204, col.9, lines 54-56); and

responsive to receiving the user input, providing a television presentation enhancement (This causes the browser 106 to start the target resource located by the target specification listed in the EPG data structure, col.9, lines 56-58).

But Shoff et al did not explicitly disclose until receiving user input selecting the interactive icon, for a plurality of time periods via a display device, wherein each of the plurality of display time periods is separated by a sleep time duration during which display of the interactive icon is suspended, the sleep time duration corresponding to the sleep time duration indicator;

However, Blacketter et al disclose until receiving user input selecting the interactive icon, for a plurality of time periods via a display device, wherein each of the plurality of display time periods is separated by a sleep time duration during which display of the interactive icon is suspended, the sleep time duration corresponding to the sleep time duration indicator (after a predetermined time period, such as fifteen seconds, any displayed indicators are removed from the display device. Removing any indicators after a particular time period avoids creating a distraction to a viewer that is not interested in activating an interactive mode or an online mode, 0039).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Blacketter into the invention of Shoff for the purpose of avoiding distraction for users that did not like to use interactive option.

Re claim 2, Shoff et al disclose wherein the interactive icon has at least one attribute not identified by the trigger attribute data (the target resource contains display layout instructions prescribing how the supplemental content and the video content program are to appear in relation to one another when displayed on television or monitor, col.3, lines 39-42; that means

the collation of the attribute as described in the specification; the icon can be displayed throughout the program or faded out after a set time period, col.9, lines 45-46).

Re claim 5, Shoff et al disclose wherein the remote location is a headend (remote server, col.6, line 44; centralized headend, col.4, line 16).

Re claim 6, Shoff et al disclose wherein the remote location is a content provider (content provider, col.8, line 49).

Re claim 7, Shoff et al disclose wherein the enhancement comprises an advertisement (enhance television program, col.3, line 30; see fig.1, element 18, additional space; a third pane can be used to show additional data, such as advertisement or the like, col.2, lines 28-30; supplemental content includes trivia questions, advertisements, merchandise, col.5, lines 18-25).

Re claim 8, Shoff et al disclose wherein the enhancement comprises information about a television presentation that was displayed in conjunction with the interactive icon (information about the program, col.11, line 27; enhance television program, col.3, line 30; see fig.8a, element 204, presentation format for presenting television program, col.3, line 56; icon; an icon is displayed to inform the viewer that the program is interactive compatible, col.9, lines 42-44; interactive functionality in conjunction with the associated video content program, col.9, line 67 and col.10, line 1 ).

Re claim 9, Shoff et al disclose wherein the enhancement comprises data that is received from a source identified by the trigger attribute data (internet data, col.2, line 34; enhance television program, col.3, line 30; trigger element, table 2, col.13, line 63; receive a video data from a program source, col.8, lines 12-13 ; identifies a targeted document or resource, col5, line 46).

Re claim 10, Shoff et al disclose wherein the source (program source, such as headend, broadcaster, or other program provider, col.8, lines 13-14) is accessible via the Internet (through the internet, users can access a wide variety of resources, col.1, lines 61-62) using a uniform

resource locator that is identified by the trigger attribute data (universal resource locator, col.6, lines 29-36).

Re claim 11, Shoff et al disclose wherein the source (is one of an Internet server, a broadcast file system, an object carousel, or a local storage device (program source, such as headend, broadcaster, or other program provider, col.8, lines 13-14; see fig.4, element 42, continuous media server; content can be supplied locally by a storage medium such as a CD\_ROM, col.7, lines 61-62).

Re claim 12, Shoff et al disclose wherein the enhancement is downloaded using one of a hyper text transfer protocol , hyper text transfer protocol secure (https), file transfer protocol (ftp), trivial file transfer protocol, broadcast file system , digital storage media command and control ,DSM-CC, object carousel (see fig.2, element 52, enhanced content server; target resource is downloaded, col.3, line 43; the letters "http" stand for Hypertext Transfer Protocol, col.6, line 42).

Re claim 13, Shoff et al disclose wherein the trigger attribute data identifies a display time window during which the interactive icon is to be displayed (see fig.8a, element 204, displayed icon; the icon can be displayed throughout the program, or fade out after a set time period, col.9, lines 45-46; see fig.6, step 162, display icon).

Re claim 14, Shoff et al disclose wherein the interactive icon is displayed responsive to a current time being within the display time window (see fig.9, element 254, timing requirement; timing information can be implemented in many different way, col.10, lines 9-10; start time to synchronize presentation of the supplemental content, col.10, lines 12-13).

Re claim 15, Shoff et al disclose wherein the trigger attribute data identifies a display time duration for displaying the interactive icon (the icon can be displayed throughout the program, or fade out after a set time period, col.9, lines 45-46).

Re claim 16, Shoff et al disclose wherein the interactive icon is displayed for a time period that

is substantially equal to the display time duration (the icon can be displayed throughout the program, or fade out after a set time period, col.9, lines 45-46; display an icon, col.9, line 36).

Re claim 17, Shoff et al disclose wherein the interactive icon is displayed for a plurality of time periods, each of the plurality of time periods being substantially equal to the display time duration (the icon can be displayed throughout the program, or fade out after a set time period, col.9, lines 45-46; display an icon, col.9, line 36; a set time period, col.9, line 46; that means a set time period represents more than one time period).

Re claim 18, Shoff et al disclose wherein the trigger attribute data identifies a sleep time duration for suspending display of the interactive icon (the icon can be displayed and faded out, col.9, lines 45-46).

Re claim 19, Shoff et al disclose wherein display of the interactive icon is suspended for a time period that is substantially equal to the sleep time duration (the icon can be displayed and faded out, col.9, lines 45-46; that means the is stopped displaying after a period of time).

Re claim 20, is met as previously discussed with respect to claim 1.

Re claim 21, Shoff et al disclose wherein the trigger attribute data identifies a screen location for displaying the interactive icon (see fig.6, element 62, display icon indicating interactive; the viewer computing unit also depicts a small icon or order indicia to alert the viewer the program is interactive, col.3, lines 21-23; trigger element, table 2, col.13, line 63 ; attribute value, col.13, line 12; see fig.8a).

Re claim 22, Shoff et al disclose wherein the interactive icon is displayed at the screen location identified by the trigger attribute data (see fig.8c).

As to claim 23, the claimed " logic configured to cause an interactive icon to be displayed intermittently..." is composed of the same structural elements as previously discussed with



respect to the rejection of claim 1.

Re claim 24, Shoff et al disclose further comprising memory for storing at least one default value identifying a characteristic of the interactive icon (the set-top box has a memory, col.2, lines 65-66; a default mode of interactivity which contains the main menu functionality, col.11, lines 14-15; EPG is stored in the memory, col2, line 67 ).

Re claim 25, is met as previously discussed with respect to claim 13.

Re claim 26, is met as previously discussed with respect to claim 14.

Re claim 27, is met as previously discussed with respect to claim 15.

Re claim 28, is met as previously discussed with respect to claim 16.

Re claim 29, is met as previously discussed with respect to claim 17.

Re claim 32, is met as previously discussed with respect to claim 20.

Re claim 33, is met as previously discussed with respect to claim 21.

Re claim 34, is met as previously discussed with respect to claim 22.

Re claim 37, is met as previously discussed with respect to claim 5.

Re claim 38, is met as previously discussed with respect to claim 6.

Re claim 40, is met as previously discussed with respect to claim 7.

Re claim 41, is met as previously discussed with respect to claim 8.

Re claim 42, is met as previously discussed with respect to claim 9.

Re claim 43, is met as previously discussed with respect to claim 10.

Re claim 44, is met as previously discussed with respect to claim 11.

Re claim 45, is met as previously discussed with respect to claim 12.

Re claim 46, Shoff et al disclose receiving from a remote location trigger attribute data identifying at least one display attribute of an interactive icon, wherein the trigger attribute data is comprises of a portion that complies with an ATVEF , Advanced Television Enhancement Forum, standard and a portion that is not defined by an ATVEF standard, wherein the portion that is not defined by the ATVEF standard comprises at least a sleep time duration indicator(the following is a simple example of a start tag for an HTML hyperlink

<HREF="http://www.microsoft.com/upgrade">, col.13, lines 1-4; the icon can be displayed throughout the program or faded out after a set time period, col.9, lines 45-46; trigger element, table 2, col.13, line 63; see fig.6, element 62, display icon indicating interactive; the viewer computing unit also depicts a small icon or order indicia to alert the viewer the program is interactive, col.3, lines 21-23);

responsive to receiving the trigger attribute data, causing an interactive icon having the at least one attribute identified by the trigger attribute data to be displayed intermittently via a display device(The viewer computing unit also depicts a small icon or other indicia to alert the viewer that the program is interactive, paragraph 19);

receiving user input selecting the interactive icon(If the viewer decides to enter into an interactive mode, the viewer employs a remote control handset, mouse, keyboard, or other mechanism to actuate the icon 204, col.9, lines 54-56); and

responsive to receiving the user input, providing a television presentation enhancement(this causes the browser 106 to start the target resource located by the target specification listed in the EPG data structure, col.9, lines 56-58);

wherein the trigger attribute data corresponds to a trigger (trigger, col.14, line 27, table 2);

wherein the remote location is a headend ,the display device is a television, and the user input is provided by a remote control device (see fig.2, element 30, remote control; centralized headend, col.4, line 16; see fig.2, element 28, television);

wherein the enhancement comprises data that is received from a source identified by the trigger attribute data (trigger element, table 2, col.13, line 63; enhance television program, col.3, line 30 );

wherein the source is accessible via the Internet using a uniform resource locator, URL, that is

identified by the trigger attribute data (through the internet, users can access a wide variety of resources, col.1, lines 61-62; a URL, universal resource locator, col.6, lines 29-36);

wherein the source is one of an Internet server, a broadcast file system, an object carousel, or a local storage device(see fig.4, element 42, continuous media server; content can be supplied locally by a storage medium such as a CD\_ROM, col.7, lines 61-62; (program source, such as headend, broadcaster, or other program provider, col.8, lines 13-14);

wherein the enhancement is downloaded using one of a hyper text transfer protocol , a broadcast file system ,bfs, protocol, a digital storage media command and control ,DSM-CC, protocol, or a file transfer protocol ,ftp(the letters "http" stand for Hypertext Transfer Protocol, col.6, line 42; see fig.2, element 52, enhanced content server; target resource is downloaded, col.3, line 43);

wherein the trigger attribute data identifies a display time window during which the interactive icon is to be displayed(see fig.8a, element 204, displayed icon; the icon can be displayed throughout the program, or fade out after a set time period, col.9, lines 45-46; see fig.6,step 162, display icon);

wherein the interactive icon is displayed responsive to a current time being within the display time window(see fig.9, element 254, timing requirement; timing information can be implemented in many different way, col.10, lines 9-10; start time to synchronize presentation of the supplemental content,col.10, lines 12-13);

wherein the trigger attribute data identifies a display time duration for displaying the interactive icon (the icon can be displayed throughout the program, or fade out after a set time period, col.9, lines 45-46);

wherein the interactive icon is displayed for a time period that is substantially equal to the display time duration (the icon can be displayed throughout the program, or fade out after a set

time period, col.9, lines 45-46; display an icon, col.9, line 36 );

wherein the trigger attribute data identifies a sleep time duration for suspending display of the interactive icon (the icon can be displayed and faded out, col.9, lines 45-46; that means the is stopped displaying after a period of time);

wherein display of the interactive icon is suspended for a time period (that is substantially equal to the sleep time duration(the icon can be displayed and faded out, col.9, lines 45-46; that means the is stopped displaying after a period of time);

wherein the trigger attribute data identifies a screen location for displaying the interactive icon; wherein the interactive icon is displayed at the screen location identified by the trigger attribute data(see fig.8c; screen,col.2, line 24).

But Shoff et al did not disclose a plurality of time periods, wherein each of the plurality of time periods is interspaced by a sleep time duration during which display of the interactive icon is suspended, the sleep time duration corresponding to the sleep time duration indicator;

However, Blacketter et al disclose a plurality of time periods, wherein each of the plurality of time periods is interspaced by a sleep time duration during which display of the interactive icon is suspended, the sleep time duration corresponding to the sleep time duration indicator( after a predetermined time period, such as fifteen seconds, any displayed indicators are removed from the display device . Removing any indicators after a particular time period avoids creating a distraction to a viewer that is not interested in activating an interactive mode or an online mode,0039).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Blacketter into the invention of Shoff for the purpose of avoiding distraction for users that did not like to use interactive option.

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al in view of Blacketter further in view of Heer et al, US No. 20050097600.

Re claim 39, Shoff et al did not explicitly disclose wherein the other apparatus is another STT.

However, Heer et al show in fig.1 more than one set-top boxes. That means the other apparatus could be another set-top box.

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Heer into the invention of Shoff as modified by Blacketter for the purpose of having a plurality of set top box in the system.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST. If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reached on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jean Duclos Saintcyr /

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425